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2 **UNITED STATES DISTRICT COURT**
3 **SOUTHERN DISTRICT OF NEW YORK**
4

5 JOHN NYPL, *et al.*

6 Plaintiffs,

7 v.

8 JP MORGAN CHASE & CO., *et al.*

9 Defendants.

Case No: 1:15-cv-09300-LGS

10 **NOTICE OF MOTION FOR ISSUANCE OF A HAGUE CONVENTION REQUEST FOR**
11 **INTERNATIONAL JUDICIAL ASSISTANCE TO TAKE TESTIMONY OVERSEAS**

12 PLEASE TAKE NOTICE that upon the accompanying memorandum of law and the
13 Declaration of Lingel H. Winters, dated April 10, 2019 (the “Winters Declaration”), Plaintiffs
14 respectfully move this Court, before the Honorable Lorna G. Schofield, United States District Judge
15 for the Southern District of New York, at the Thurgood Marshall United States Courthouse, 40 Foley
16 Square, New York, NY 10007, on such date and at such time as the Court may direct, to issue a
17 Request for International Judicial Assistance Pursuant to the Hague Convention of 18 March 1970
18 on the Taking of Evidence Abroad in Civil or Commercial Matters (“Letter of Request”) to take
19 testimony overseas, pursuant to 28 U.S.C. § 1781, Federal Rule of Civil Procedure 28(b), and
20 Chapter I of the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial
21 Matters, March 18, 1970, T.I.A.S. No. 7444, 23 U.S.T. 2555. The proposed Letter of Request is
22 attached as Exhibit A to the Winters Declaration.

23 A Proposed Order is attached to this Notice of Motion.

24 **LAW OFFICES OF LINGEL H. WINTERS**

25 Dated: April 10, 2019

By: /s/ Lingel H. Winters

LINGEL H. WINTERS (State Bar No. 37759)

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San Francisco, California 94111

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Attorneys for Plaintiffs

And All Others Similarly Situated

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10 **[PROPOSED] ORDER GRANTING MOTION FOR ISSUANCE OF A**
11 **HAGUE CONVENTION REQUEST FOR INTERNATIONAL**
JUDICIAL ASSISTANCE TO TAKE TESTIMONY OVERSEAS

12 The Court, having reviewed Plaintiffs' Motion for Issuance of a Hague Convention Request
13 for International Judicial Assistance to Take Testimony Overseas as well as the papers in support
14 and opposition, HEREBY ORDERS THAT:

- 15 1. The Motion is GRANTED.
- 16 2. The Request for International Judicial Assistance Pursuant to the Hague Convention
17 of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matter attached as
18 Exhibit A to the Declaration of Lingel H. Winters, dated April 10, 2019 is hereby issued as the
19 Court's "Letter of Request" and is fully incorporated herein.
- 20 3. The signed Order and the Letter of Request will be given to Lingel H. Winters
21 Professional Corporation, Attorneys for Plaintiffs, who will cause both documents to be filed with
22 The Senior Master (Queen's Bench Division), Royal Courts of Justice Strand, London WC2A 2LL,
23 England.
- 24 4. The Stipulation and Order of Confidentiality (ECF No. 249) in this action shall apply
25 to the deposition, including the transcript and video.
- 26 5. This Order, the deposition of Mr. Matthew Gardiner, or the terms of the Letter of
27 Request (which are incorporated into this Order) shall not be construed or operate as a waiver of any
28 argument, position, objection, allegation, or claim or defense of any party in the above-captioned

1 action, or of the attorney-client privilege, the work product doctrine, or any other privileges, rights,
2 protections, or prohibitions that may apply to that evidence under the laws of England, the United
3 States, or the State of New York.

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5 Dated: _____, 2019
6 New York, New York

7 SO ORDERED.

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9 _____
LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE
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